

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**EMIL L. MEADOWS,**

**Plaintiff,**

**V.**

**WAL-MART STORES, INC.,**

### Serve Registered Agent:

**Beverley L. Crump**

## Bank of America Center, 16th Floor

**1111 East Main Street**

**Richmond, VA 23219**

**Defendant.**

## COMPLAINT

Plaintiff, Emil L. Meadows, for her Complaint against the Defendant, Wal-Mart, states as follows:

1. Plaintiff, Emil L. Meadows (“Ms. Meadows”), is a Virginia resident, residing at 1528 St. Clairs Creek Road, Chilhowie, Virginia 24319.

2. Defendant, Wal-Mart Stores, Inc. ("Wal-Mart"), is a Delaware Corporation, registered to do business in the Commonwealth of Virginia, with its corporate headquarters in Bentonville, Arkansas, which, amongst other things is, engaged in the business of owning, operating, and maintaining retail stores.

3. Wal-Mart owns, operates, and maintains Wal-Mart Supercenter store number 2089, located at 13245 Lee Highway, Bristol, Virginia 24202.

4. This action is of a civil nature, involving, exclusive of interest and costs, a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00).

5. Every issue of law and fact herein is wholly between citizens of different

states.

6. As a consequence, jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1332.

7. At all times relevant hereto, Ms. Meadows was an invitee upon the Defendant's property located in Bristol, Virginia.

8. On January 31, 2010, Ms. Meadows was injured as she was exiting the store when slipped and fell on ice on the sidewalk adjacent to the storefront.

### **COUNT ONE**

9. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 8.

10. The Defendant knew or should have known that the frozen sidewalk was dangerous and hazardous to its patrons.

11. The Defendant had a duty to inspect its sidewalk and its premises to discover any dangerous condition existing thereon.

12. The Defendant had a duty to remedy any dangerous condition existing on its sidewalk and its premises.

13. The Defendant had a duty to maintain its sidewalk and its premises in a reasonably safe condition for public use.

14. The Defendant had a duty to warn its patrons of any dangerous conditions upon its sidewalk and its premises.

15. The Defendant has negligently breached each of these duties.

16. The Defendant failed to comply with applicable building and safety codes for which it is negligent per se.

17. As a proximate result of the Defendants negligence, the Ms. Meadows has

suffered permanent injuries; has suffered and will continue to suffer great pain of body and mind; has been scarred and disfigured; has sustained loss of earnings and lost earning capacity; has incurred; and has incurred and will incur hospital, doctor, and related bills in an effort to be cured of these injuries.

### **COUNT TWO**

18. Plaintiff incorporates by reference the allegations of paragraphs 1 through 17.

19. The Defendant expressly and impliedly warranted to its patrons that its sidewalk and its premises were safe, fit, properly equipped and ready for business. It after all, chose to open or stay open, perhaps.

20. Ms. Meadows relied upon Defendant's warranties express and implied.

21. The Defendant has breached its warranties express and implied and as a proximate result of the Defendant's breaches, Ms. Meadows has suffered: great pain of body and mind; permanent injuries; scarring and disfigurement; lost earnings; loss of earning capacity; and has incurred and will incur in the future hospital, doctor, and related bills in an effort to be cured of these injuries.

**WHEREFORE**, Emil L. Meadows, moves the Court for judgment as follows:

1. Judgment for the plaintiff, Emil L. Meadows, against the defendant, Wal-Mart Stores, Inc., in the amount of Two Million (\$2,000,000.00) Dollars, with her pre-judgment interest;
2. For plaintiff's costs herein expended;
3. For trial by jury on all issues so triable; and
4. For such other and further relief to which plaintiff may be entitled.

EMIL L MEADOWS

By Counsel

CONWAY LAW FIRM, P.L.L.C.  
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By: /s/ BL Conway, II  
B.L. Conway, II  
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Counsel for Plaintiff